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USA, Inc., and HiSilicon Technologies Co. Ltd.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

HUAWEI TECHNOLOGIES CO., LTD.,
HUAWEI DEVICE USA, INC., and
HUAWEI TECHNOLOGIES USA, INC.,

Plaintiffs / Counterclaim-Defendants,
v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants / Counterclaim-Plaintiffs,

and

SAMSUNG RESEARCH AMERICA,

Defendant,
v.

HISILICON TECHNOLOGIES CO., LTD.,
Counterclaim-Defendant.

Case No. 16-cv-02787-WHO

**DECLARATION OF JOHN W. MCBRIDE
IN SUPPORT OF HUAWEI'S MOTION
FOR SUMMARY JUDGMENT**

Hearing Date: August 8, 2018
Time: 2:00 PM
Judge: Hon. William H. Orrick

1 I, John W. McBride, declare:

2 1. I am an attorney at the law firm of Sidley Austin LLP, counsel for Plaintiffs Huawei
3 Technologies Co., Ltd., Huawei Device USA, Inc. and Huawei Technologies USA, Inc., and
4 Counterclaim-Defendant HiSilicon Technologies Co., Ltd. (collectively, "Huawei"). I am a member
5 in good standing of the State Bar of Illinois, and I am admitted pro hac vice to practice in the Northern
6 District of California. I submit this declaration in support of Huawei's Motion for Summary
7 Judgment. I have personal knowledge of the facts stated herein and, if called as a witness, could and
8 would testify thereto.

9 2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the Expert
10 Report of Jerry A. Hausman, dated April 27, 2018 ("Hausman Rpt.").

11 3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the transcript
12 of the deposition Hojin Chang, conducted on May 31, 2018.

13 4. Attached hereto as Exhibit 3 is a true and correct copy of IPR Information Statement
14 and Licensing Declaration of Guo Zhenpeng, marked as Exhibit 734 at the deposition of Hojin Chang,
15 conducted on May 31, 2018.

16 5. Attached hereto as Exhibit 4 is a true and correct copy of IPR Information Statement
17 and Licensing Declaration of Guo Zhenpeng, marked as Exhibit 735 at the deposition of Hojin Chang,
18 conducted on May 31, 2018.

19 6. Attached hereto as Exhibit 5 is a true and correct copy of IPR Information Statement
20 and Licensing Declaration of Du Jinhua, marked as Exhibit 736 at the deposition of Hojin Chang,
21 conducted on May 31, 2018.

22 7. Attached hereto as Exhibit 6 is a true and correct copy of is a true and correct copy of
23 IPR Information Statement and Licensing Declaration of Du Jinhua, marked as Exhibit 737 at the
24 deposition of Hojin Chang, conducted on May 31, 2018.

25 8. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the transcript
26 of the deposition of Jerry A. Hausman, conducted June 19, 2018.

27 9. Attached hereto as Exhibit 8 is a true and correct copy of excerpts from the transcript
28 of the deposition of Xuxin Cheng, conducted on March 21, 2018.

1 10. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the transcript
2 of the deposition of Ilseok Jang, conducted March 6, 2018.

3 11. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the transcript
4 of the deposition Hojin Chang, conducted on March 2, 2018.

5 12. Attached hereto as Exhibit 11 is a true and correct copy of letter from Xuxin Cheng to
6 Hojin Chang, dated August 8, 2016, marked as Exhibit 655 at the deposition of Hojin Chang
7 conducted March 2, 2018. This exhibit is a Huawei production document with Bates numbered
8 HW_Samsung_00848342-44, HW_Samsung_00848339-41.

9 13. Attached hereto as Exhibit 12 is a true and correct copy of an email chain dated June
10 6, 2013, marked as Exhibit 667 at the deposition of Ilseok Jang, conducted March 5, 2018. This
11 exhibit is a Huawei production document with Bates numbered HW_Samsung_00131587-93.

12 14. Attached hereto as Exhibit 13 is a true and correct copy of email chain dated August
13 25, 2014, marked as Exhibit 670 at the deposition of Ilseok Jang, conducted March 5, 2018. This
14 exhibit is a Huawei production document with Bates numbered HW_Samsung_00230947-59.

15 15. Attached hereto as Exhibit 14 is a true and correct copy of a letter from Song Liuping
16 to Seungho Ahn dated October 16, 2015, marked as Exhibit 680 at the deposition of Ilseok Jang,
17 conducted March 5, 2018. This exhibit is a Huawei production document with Bates numbered
18 HW_Samsung_00231314-15.

19 16. Attached hereto as Exhibit 15 is a true and correct copy of a letter from Seungho Ahn
20 to Song Liuping dated October 20, 2015, marked as Exhibit 681 at the deposition of Ilseok Jang,
21 conducted March 5, 2018. This exhibit is a Huawei production document with Bates numbered
22 HW_Samsung_00231319-20.

23 17. Attached hereto as Exhibit 16 is a true and correct copy of letter from Song Liuping
24 to Seungho Ahn dated October 28, 2015, marked as Exhibit 682 at the deposition of Ilseok Jang,
25 conducted March 5, 2018. This exhibit is a Huawei production document with Bates numbered
26 HW_Samsung_00697348.

27 18. Attached hereto as Exhibit 17 is a true and correct copy of email chain dated
28 November 20, 2015, marked as Exhibit 683 at the deposition of Ilseok Jang, conducted March 5,

1 2018. This exhibit is a Huawei production document with Bates numbered
2 HW_Samsung_00231424-56.

3 19. Attached hereto as Exhibit 18 is a true and correct copy of excerpts from Complainant
4 Samsung's Initial Submission in Response to Commission Notice of Review, U.S.I.T.C. Inv. No.
5 337-TA-794 (Dec. 12, 2012).

6 20. Attached hereto as Exhibit 19 is a true and correct copy of excerpts from the Expert
7 Report of Eric Stasik Regarding ETSI and Standards Setting Matters, submitted in *Apple Inc. v.*
8 *Samsung Electronics Co., Ltd. et. al.*, Case No. 11-cv-01846-LHK (N.D. Cal. Mar. 16, 2012). This
9 exhibit is a Samsung production document, Bates numbered SAMSUNG-HNDCA-000410118,
10 000410134-35, and 00410144.

11 21. Attached hereto as Exhibit 20 is a true and correct copy of a letter from Xuxin Cheng
12 to Hojin Chang, dated September 6, 2016. This exhibit is a Huawei production document, Bates
13 numbered HW_Samsung_00848356-58.

14 22. Attached hereto as Exhibit 21 is a true and correct copy of excerpts from the translation
15 of the Civil Judgment submitted in Case No. (2016) Y03 MC No. 840 before the Shenzhen
16 Intermediate People's Court ("Shenzhen Decision").

17 23. Attached hereto as Exhibit 22 is a true and correct copy of excerpts from the
18 Declaration of Paul S. Min, Ph.D. in Support of Patent Owner's Preliminary Response, Case No.
19 IPR2017-01981 dated December 26, 2017.

20 24. Attached hereto as Exhibit 23 is a true and correct copy of U.S. Patent No. 8,509,350,
21 Bates numbered SAMSUNG-HNDCA-000000280-99.

22 25. Attached hereto as Exhibit 24 is a true and correct copy of excerpts from the Expert
23 Report of Dr. Paul S. Min Regarding Validity of U.S. Patent Nos. RE44,105; 8,509,350; and
24 9,113,419 (May 25, 2018) ("Min Rebuttal Rpt.").

25 26. Attached as Exhibit 25 is a true and correct copy of excerpts from the transcript of the
26 deposition Jianzhong Zhang, conducted on October 27, 2017.

27 27. Attached hereto as Exhibit 26 is a true and correct copy of excerpts from the transcript
28 of the deposition Paul Prucnal, conducted on June 15, 2018.

1 28. Attached hereto as Exhibit 27 is a true and correct copy of excerpts from the Report
2 of Paul Prucnal Regarding Infringement of U.S. Patent No. RE44,105, U.S. Patent No. 8,509,350,
3 U.S. Patent No. 9,113,419 (April 27, 2018) ("Prucnal Rpt.").

4 29. Attached hereto as Exhibit 28 is a true and correct copy of excerpts from the transcript
5 of the deposition Paul Min, conducted on June 22, 2018.

6 30. Attached hereto as Exhibit 29 is a true and correct copy of handwritten notes marked
7 as Exhibit 834 at the deposition of Paul Prucnal, conducted on June 15, 2018.

8 31. Attached hereto as Exhibit 30 is a true and correct copy of excerpts from Samsung's
9 Second Supplemental Disclosure of Asserted Claims and Infringement Contentions, dated May 3,
10 2017.

11 32. Attached hereto as Exhibit 31 is a true and correct copy of excerpts from the Transcript
12 of Proceedings for the Technology Tutorial held on August 7, 2017, ECF No. 163.

13 33. Attached hereto as Exhibit 32 is a true and correct copy of excerpts from Huawei's
14 Tutorial Presentation, dated August 7, 2017.

15 34. Attached hereto as Exhibit 33 is a true and correct copy of U.S. Patent No. 8,761,130
16 Bates numbered SAMSUNG-HNDCA-000000346-61.

17 35. Attached hereto as Exhibit 34 is a true and correct copy of a web page screenshot from
18 URL <http://www.dictionary.com/browse/remaining?s=t>, accessed July 2, 2018

19 36. Exhibit 35 RESERVED.

20 37. Attached hereto as Exhibit 36 is a true and correct copy of excerpts from the Report
21 of Nicholas Bambos, Ph.D. Regarding U.S. Patent Nos. 8,761,130 and 8,619,726, dated April 27,
22 2018 ("Bambos Infr. Rpt.").

23 38. Attached hereto as Exhibit 37 is a true and correct copy of excerpts from the transcript
24 of the deposition of Liang Chen, conducted January 23, 2018.

25 39. Attached hereto as Exhibit 38 is a true and correct copy of excerpts from the transcript
26 of deposition of Aris Papasakellariou, conducted November 3, 2017.

27 40. Attached hereto as Exhibit 39 is a true and correct copy of U.S. Patent No. 9,288,825,
28 Bates numbered SAMSUNG-HNDCA-000000409-30.

